

OGC Has Reviewed

**The Speaker
House of Representatives
Washington, D. C.**

Dear Mr. Speaker:

The Department of Justice recommends the repeal of section 20(a) of the Internal Security Act of 1950 and the enactment in its place of legislation which would better accomplish that section's intended purpose.

Section 1(c) of the Foreign Agents Registration Act of 1938, as amended, (92 Stat. 631; 22 U.S.C. 611) defines the term "agent of a foreign principal." The effect of section 20(a) of the Internal Security Act of 1950 was to include within the definition persons who have knowledge of or training in foreign espionage or sabotage systems. Since the registration provisions of the Foreign Agents Registration Act make it clear that only those persons who presently or hereafter act as agents of foreign principals are required to register, persons who are agents of foreign principals by definition, but who are not currently acting as such, are not so required. Hence, persons with knowledge of or training in the espionage, counterespionage, or sabotage service or tactics of a foreign government or political party, who have not since the enactment of section 20(a) acted as foreign agents, appear to be under no obligation to register. It therefore seems that the only effective way to obtain the registration of all persons having knowledge of foreign espionage and sabotage systems is to require the registration of such persons without regard to their current status as agents of foreign principals.

In administering the Foreign Agents Registration Act, the Department of Justice has attempted to make it clear that registration under the Act in no way places any limitations on the activities which may be engaged in by a foreign principal and carries no stigma. The tenor and import of the Act are altered, however, by including within the definition of "agent of a foreign principal" persons who have knowledge of or training in foreign espionage or sabotage systems. This constitutes an additional reason for the enactment of a separate registration statute applicable to such persons.

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Accordingly, the Department of Justice recommends the repeal of section 20(a) of the Internal Security Act and the enactment of a separate registration statute in its place.

There is attached for your consideration a draft of a measure which would effectuate the foregoing recommendation.

The Bureau of the Budget has advised that there is no objection to the submission of this recommendation.

Sincerely,

Attorney General